

REMARKS

The Office Action mailed February 13, 2006 has been carefully considered. Applicants wish to thank the Examiner for the effort in evaluating this application and the helpful comments about the claim language.

Claims 1-20 were pending in this application. Claims 2, 6, 7, 9, 10, 14 and 16-20 are cancelled by this amendment, having been previously withdrawn from consideration. The Applicant reserves the right to pursue the cancelled subject matter in a Divisional or Continuation application. The claims cancelled have been cancelled by the present amendment in order to facilitate allowance of the remaining claims.

Claims 1, 3-5, 8, 11-13 and 15 are pending in this application after the present amendment.

By the present amendment, it is believed that the amended claims have overcome the examiner's rejections as detailed in the following remarks.

Claim Rejections – 35 USC §112

Claims 1 and 8 were rejected under 35 USC §112, first paragraph, as failing to comply with the enablement requirement. These claims have been rejected under the assertion that the recitation of “substituted”, “solvates”, “prodrugs” and “biososteres” are employed throughout claims 1 and 8 “with no indication given as to what the substituents, solvates, prodrugs and biososteres really are.” While not agreeing with the rejections of these recitations, the claims have now been amended in order to more clearly point out and distinctly claim the subject matter of the invention. The “substitutions” are described in the specification as optional substitutions from page 5 at line 33, to page 12 at line 11. The term “prodrug” is described in the specification on page 11 at lines 16-20. The term “acid biosostere” is described in the specification on page 5 at lines 16-27. The term “solvate” is described in the specification on page 11 at lines 22-27. In each case, the description is complete enough to allow a person

skilled in the art to carry out the claimed invention. Accordingly, the standards of In re Wands and In re Fouché have been met. Withdrawal of the rejection is respectfully requested.

Claims 1-8 were rejected under 35 USC §112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1 and 8 have now been amended to clarify the use of the terms indicated by the Examiner as being indefinite. Specifically, "prodrugs" has been replaced with "ester prodrug" for which support is found in the specification on page 11 at lines 16-20. Specific acid biosiosteres are now recited in the claims, having support in the specification on page 5 at lines 16-27. The recitations of "solvates" in the claims have been replaced with "hydrate" for which support is found in the specification on page 11 at lines 22-27. The optional substitutions of the claims refer back to the substitutions described in the specification from page 5 at line 33, to page 12 at line 11. Accordingly, the present amendment has rendered moot the points of rejection of these claims under 35 USC §112, second paragraph. Withdrawal of the rejection is respectfully requested.

The present amendments are believed to introduce no new matter, support for the amendments being found at the places indicated in the specification.

Claims 1 and 8 are now considered allowable. Claims 3-5, 11-13 and 15 are now allowable as being dependant upon allowable claims.

In view of the foregoing discussion, it is believed that all the pending claims, as amended, fully comply with the legal requirements for allowance. Reconsideration and allowance of the application with pending claims are earnestly solicited.

Enclosed herewith is a Petition under 37 C.F.R. § 1.136(a) to extend the time for response for three months, or until August 13, 2006. It is believed that no additional fees and charges are required at this time in connection with the application; however, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No.18-1982.

If prosecution could be furthered by a telephone discussion, the Examiner is invited to call the undersigned practitioner at the number provided below.

Respectfully submitted.



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